

April 17, 2007

Dear Reader:

According to MCA 75-10-221, persons operating a solid waste management facility must have a license issued by the Montana Department of Environmental Quality (DEQ). The Department has decided that all facilities that meet the definition of a recycling facility must be licensed. A Recycling Facility meets the Montana definition of a resource recovery facility found in MCA 75-10-203: "a facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse." A recycling facility is distinguished from other resource recovery facilities by the fact that they purchase, or accept at no charge, the materials they are recycling.

The environmental impacts of the recycling licenses were evaluated in the Draft Programmatic Analysis for Recycling Facility Licensing dated March 9, 2007. Information on the recycling facility license can be obtained by writing, calling or emailing the Montana Department of Environmental Quality, c/o Colin McCoy, PO Box 200901, Helena, MT 59620-0901, telephone (406) 444-9879; email cmccoy2@mt.gov.

Colin McCoy
Environmental Science Specialist
Solid Waste Section

Date

Response to Comment Letters:

April 5, 2007 Letter from Roger Cathel:

I am responding regarding the document sent forth by the department to all interested parties regarding "Recycling Facilities in Montana" and the Programmatic Analysis to comply with the ARM for said facilities.

Oily Waste Processors Inc. (OWP) operates three (3) used oil recycling facilities within the State of Montana. We have two (2) used oil processing facilities and one (1) used oil collection and transfer facility. OWP processes all used oils, oily waste waters, recoverable fuels etc. into a high quality fuel oil for use in asphalt hot plants, industrial furnaces and boilers, and kilns. OWP also collects and processes for energy recovery - used oil filters, used oil absorbents and residual oils / solids. OWP collects used anti-freeze for subsequent transportation to an anti-freeze recycling facility in Utah.

In paragraph three (3) of the cover letter as received it states: "Recycling facilities that purchase materials.....; Facilities that require payment....." OWP is in a position that we do sometimes purchase used oils from specific generators, others we will take at no cost and yet others we do charge for our services. This policy is based on current markets and also the type of generator - including quality and quantity of used oils in question.

OWP also operates a Class II Soil Landfarm Facility (Soil Remediation Services Inc. - SRS) as regulated under the solid waste rules and possesses a Class II Landfarm License # 404. This facility accepts petroleum impacted soils, waters and floor drain sump wastes. SRS imposes charges for all materials as accepted by the facility for landfarm treatment. According to the documents as received, do I understand correctly as this facility does not require further licensing as a recycling facility?

I have completed the attached applications of said document and have forwarded them to the department for review. I will also be forwarding any additional comments and questions with said applications.

Thank you for your time and consideration. Please contact me should you have any questions or concerns.

Response: As per our discussion on the phone, continued operation of Oily Waste Processors, Inc. will require a recycling license from the Department.

April 5, 2007 Letter from Richard Isle:

Comment: The City of Wolf Point has a very small Recycling Facility that is within the boundary of an Indian Reservation. We recycle newspaper and cardboard at the location. The city losses about \$40,000.00 a year on this program if this license would go into effect the city would have to close up our Recycling Facility. The City would have to hire an engineering firm to complete your Operation and Maintenance Plan at a great expense to us. Not saying anything about what it would cost us in time to do your record keeping! This program is losing way too much money as it is to add more expense to this great loss would not be in the best interest of our tax payers. The city has worked hard to reduce the amount of trash going into our landfill but your process

will defeat our efforts. If you could streamline all of the paper work and record keeping for your program it may be more acceptable to more of the cities.

Response: The license is free to all applicants and would not affect a budget. An engineer is not required to develop an operation and maintenance plan for a facility. It is a simple document outlining the operational procedures used at the facility and can be completed by anyone. For record keeping; only annual records of tonnage or volume of specific wastes processed are required under the license at this time.

April 9, 2007 Comment from Bret Ewer:

Pacific Steel & Recycling being the largest recycler in the State of Montana feels that your proposed Recycling Facility Operations and Maintenance Plan is cumbersome and unnecessary for recycling facilities.

We are handlers of recyclable material and do not see the need to be licensed as solid waste haulers or solid waste handlers.

We are already licensed as motor vehicle wrecking facilities by the Department, and are also in compliance with Montana Storm Water requirements.

Response: State law requires the Department to license all solid waste management facilities. A Recycling Facility meets the Montana definition of a resource recovery facility found in MCA 75-10-203: "a facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse." Resource recovery facilities must be licensed, therefore recycling facilities must be licensed.